

May 31, 2023

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Garland:

I write to bring to your attention evidence that TikTok CEO, Shou Zi Chew, perjured himself when he testified before the House Committee on Energy and Commerce with regard to the data-security practices of TikTok.

On March 23, 2023, Chew testified, under oath, that the data of TikTok's American users was stored in the United States and Singapore—not in China.¹ Chew was asked directly whether the data of American users was stored in China. He answered as follows: "No, storage has always been in Virginia and Singapore." He repeated the assertion later: "American data has always been stored in Virginia and Singapore in the past, and access of this is on an as-required basis by engineers."

We now know those statements are false, and that some sensitive data from American users was in fact stored in China, where, by law, that information could be accessed by the Chinese Communist Party (CCP). On May 30, 2023, Forbes reported that TikTok collected sensitive data, including Social Security numbers and tax identification numbers, from thousands of TikTok users and businesses.² According to that report, the information was stored on servers in China and accessible by employees of ByteDance, TikTok's Chinese parent company.

We already know that the CCP has close ties to TikTok, and America's top intelligence officials have warned of the threats posed by this app. In the words of a former ByteDance executive, the CCP "maintains supreme access to all the company data."³ We also know that the CCP harvests the personal information of Americans, as evidenced by its hack of the U.S. Office of Personnel Management in 2015, which compromised the data of millions of American government workers and their families, including Social Security numbers.⁴ We now know that TikTok stored sensitive information about its American users in China—a fact that Chew denied under oath.

¹ <https://energycommerce.house.gov/events/full-committee-hearing-tik-tok-how-congress-can-safeguard-american-data-privacy-and-protect-children-from-online-harms>

² <https://www.forbes.com/sites/alexandralevine/2023/05/30/tiktok-creators-data-security-china/>

³ <https://freebeacon.com/national-security/china-has-supreme-access-to-tiktok-former-exec-alleges/>

⁴ https://www.washingtonpost.com/world/national-security/chinese-national-arrested-for-using-malware-linked-to-opm-hack/2017/08/24/746cbdc2-8931-11e7-a50f-e0d4e6ec070a_story.html

This revelation further underscores the fact that TikTok is a powerful tool of espionage and influence for the CCP and should be banned. Chew should be held accountable for making false statements about material facts related to TikTok's operation, as he appears to have done in this case.

I therefore request that you investigate whether Chew committed perjury when he falsely stated that TikTok has not stored the user data of Americans in China and urge you to be transparent with the American people about the threats posed by TikTok.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Rubio', with a stylized flourish at the end.

Marco Rubio
U.S. Senator